

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

MARK STEVEN ACKER,

Debtor.

Chapter 7
Case No. 22-22359 (SHL)

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DAVID ACKER AND KAREN ACKER,

Plaintiffs,

-against-

Adv. Proc. No.
22-07038-shl

MARK STEVEN ACKER,

Defendant.

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**ORDER (1) DENYING MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT MARK STEVEN ACKER AND (2)
SCHEDULING HEARING ON MOTION
FOR SUMMARY JUDGMENT**

Upon the motion (the “Motion”) of Karen Acker and David Acker (the “Plaintiffs”), by and through their attorneys Davidoff Hutcher & Citron LLP, for a default judgment against Mark Steven Acker (“Defendant”) pursuant to Rule 7055 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”); and it appearing that, although (a) a Scheduling and Pre-Trial Order was entered by the Court on March 2, 2023 setting a deadline for Defendant to answer or move with respect to the Complaint of March 6, 2023, (b) no answer or motion having been filed by Defendant by the March 6, 2023 deadline, (c) Notice of Entry of Default having been entered by the Clerk of the Bankruptcy Court on March 10, 2023, (d) the Motion having been duly served on Defendant in accordance with the Bankruptcy Rules, and (e) Defendant having filed a late Answer with Counterclaims dated October 11, 2022 on March 28, 2023 (the

“Answer”); and a hearing having been held before this Court on April 5, 2023, and Plaintiffs, through their counsel of record, and Defendant, pro se, having appeared in connection with the Motion, and after due deliberation thereon, it is hereby

ORDERED, that the Motion is denied; and it is further

ORDERED, that Court hereby grants Plaintiffs leave of court and permission to file a motion for summary judgment; and it is further

ORDERED, Plaintiffs shall file their summary judgment motion on or before April 19, 2023; and it is further

ORDERED, that Defendant shall file any response thereto on or before May 17, 2023; and it is further

ORDERED, that Plaintiffs shall file any reply to Defendant’s response on or before May 22, 2023; and it is further

ORDERED, that the deadlines set forth above shall not be extended absent further order of this Court; and it is further

ORDERED, that a hearing shall be held on Plaintiff’s summary judgment motion on **June 9, 2023 at 10:30 a.m.**, or as soon thereafter as counsel may be heard by Zoom® teleconference. Parties wishing to appear at the hearing must register at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl> no later than 48 hours before the hearing; and it is further

ORDERED, that Plaintiff’s time to answer or move with respect to the Counterclaims contained in Defendant’s answer is hereby extended *sine die* pending further order of this Court; and it is further

ORDERED, that Plaintiffs shall serve a copy of this Order upon Defendant at his address as stated on the record of the hearing on April 5, 2023 by first class mail no later than three (3) business days after entry thereof.

Dated: White Plains, New York
April 11, 2023

/s/ **Sean H. Lane**
United States Bankruptcy Judge